

**DENTAL BOARD OF CALIFORNIA**  
**INITIAL STATEMENT OF REASONS**

Hearing Date: June 13, 2007

Subject Matter of Proposed Regulations: Continuing Education Requirements

(2) Section(s) Affected: 1016, 1017

Specific Purpose of each adoption, amendment, or repeal:

The purpose of the proposed changes is to clarify continuing education course requirements for licensees and course providers.

The amendments would clarify that the mandatory reporter obligations as set forth in the California Penal Code are part of mandatory courses required for every license renewal.

The proposed changes would also clarify that courses in diagnostic protocols and procedures, charting, nutrition, disaster recovery, peer evaluation, administration of anesthesia or sedation, and courses relating to selection, use and care of dental instruments are allowed for credit within Category I courses for renewal. Category I courses involve actual delivery of dental services to the patient or the community, and are required to compose a minimum of 80% of a licensee's units.

Proposed amendments would allow continuing education credit for courses in cultural competencies such as bilingual dental terminology, cross cultural communication, public health dentistry and management of the special-needs patient, to better serve the dental needs of California's diverse population.

Some of the amendments will allow licensees to obtain Category II credit for courses in dependency issues, teaching methodology, computerized dental office management or new technology designed primarily for improved patient care. Category II may comprise up to 20% of a licensee's continuing education requirements.

Additional amendments clarify that courses relating to the purchase, sale or transfer of a dental practice, and courses pertaining to cosmetic enhancement shall not be recognized for continuing education credit.

The proposed changes would also clarify for providers of continuing education that a sample of the provider's written certification to participants must be provided to the Board prior to approval, and that any course content changes to approved mandatory courses require a new course outline to be submitted for approval. Amendments clarify that units may be issued in half-hour increments, and that the provider's written certification must contain the 11-digit course registration, and where it must appear. Some of the amendments also specify that only Board-approved providers whose course outlines for mandatory courses in Infection Control and California Dental Practice Act have been provided to the Board may issue verification slips to course participants, and that the course instructor may only be eligible to receive one unit per year of continuing education credit for teaching the courses that they provide.

1016(a)(1)(A) – This amendment specifies that the mandatory reporter obligations for all dental licensees as set forth in the California Penal Code may be taught within the currently required Dental Practice Act course. Reportable signs of abuse are recognized during actual delivery of dental services to the patient.

1016(a)(1)(B) – This amendment specifies that certain courses relating to procedures, diagnostic protocols, charting and recordkeeping would fall within Category I by their nature of actual delivery of dental services to the patient.

1016(a)(1)(C) – This amendment includes courses in nutrition within Category I, to clarify that the information obtained in nutrition courses is used routinely in dental nutrition counseling to patients.

1016(a)(1)(E) – This amendment includes courses in dentistry's role in disaster recovery within Category I, to clarify that in light of events such as 911 and Hurricane Katrina, the need for licensees' education and community involvement can be even greater after a disaster or emergency occurs. Such courses would include actual delivery of dental services to patients after a disaster or emergency.

1016(a)(1)(H) – This amendment is proposed to add courses utilized by anesthesia evaluators within the review process for issuance of general anesthesia and conscious sedation permits to be included within Category I, but allowed no more than a maximum of 30% of a licensee's total required credits. It has been the Board's policy to allow such units to be granted to evaluators, therefore, this policy must be set into regulation.

1016(a)(1)(I) – This amendment allows courses that are required for a dentist to obtain a permit to administer general anesthesia, conscious sedation or oral conscious sedation to be used for Category I continuing education requirement by licensees as it includes delivery of dental services to the patient.

1016(a)(1)(J) – This amendment allows the office equipment evaluation required for a permit to administer general anesthesia or conscious sedation to be used for Category I continuing education by licensees. This equipment is used in the direct delivery of dental services to the patient. It has been the Board's policy to allow such units to be granted, therefore, this policy must be set into regulation.

1016(a)(1)(K)– This amendment includes courses in dependency issues and substance abuse as it relates to patient safety within Category I courses. These courses enhance patient care and safety by ensuring that licensees are aware of the signs of dependency and various drug interactions that may be of concern during dental treatment.

1016(a)(2)(B) – This is a nonsubstantive change that eliminates "and" for clarity.

1016(a)(2)(D) – This item is duplicated within 1016(a)(1)(B).

1016(a)(2)(D)– This amendment will add to Category II, courses that enhance communication between licensees and their multicultural and special needs patients. It allows continuing education credit for courses that provide the licensee with cultural background information, bilingual dental terminology and management of the special needs dental patient as these issues are directly related to the practice of dentistry. Misunderstanding can be detrimental to patient care and may compromise patient safety during dental treatment.

1016(a)(2)(H)– This amendment will allow teaching methodology courses required by statute to be used to fulfill Category II continuing education requirements. Such courses are required for course providers, licensees who teach in dental programs, and licensees who train assistants on the job.

1016(a)(2)(I)– This amendment allows licensees to obtain Category II continuing education credit for courses in computerized recordkeeping and practice management. New software programs enable licensees to more effectively manage patients, provide patient care and modernize the dental practice.

1016(a)(3)(F)– This item has been moved to Category II courses, as these courses are directly related to the practice of dentistry as the language is amended.

1016(a)(3)(I) – This amendment specifies that courses in the purchase or sale of a dental practice and other business-related courses will not be allowed for continuing education credit.

1016(a)(3)(K) – This amendment specifies that courses for the purpose of cosmetic enhancement such as botox injection or dermal fillers are not recognized for CE credit if the treatment is defined by the Dental Practice Act as being outside the licensee's scope of practice. The amendment makes an exception for future facial cosmetic surgery permit holders.

1016(b)(2) – Staff requested this amendment to include this information to ensure that providers adhere to the requirements of this section.

1016(c)(4) – Staff and licensees' requested that the course provider indicate the category that the particular continuing education course falls into on the certificate of completion.

1016(d) – Staff requested this amendment to ensure that course providers notify the Board of any course content changes to mandatory courses required for renewal.

1016(f) – This amendment allows course credit to be given in less than one-hour increments.

1016(g)(1) – Staff requested this amendment for easier auditing of licensees' continuing education units.

1016(g)(3) – This amendment works with Section 1016(d) to ensure that only Board-approved providers may issue continuing education units for mandatory continuing education courses.

1016(g)(4) – This amendment allows course providers to claim one unit per year of continuing education for the courses that they provide.

1017(f) – This amendment specifies that the 11-digit course registration number must appear on any duplicate certification issued by the course provider.

#### Factual Basis/Rationale

Business and Professions Code Section 1645 specifies that if the board determines that the public health and safety would be served by requiring all licensees to continue their education after receiving a license, the board shall adopt regulations requiring that licensees complete a specific portion of the required continuing education in specific areas adopted in regulations by the board.

The proposed amendments are needed to provide clarity to the existing regulations for providers, licensees and for staff, and to set board policies into regulation, as required. The amendments will also specify that the mandatory reporter obligations for all dental licensees as set forth in the California Penal Code may be taught within the currently required Dental Practice Act course.

Some of the amendments were requested by staff, to streamline and clarify the requirements for course provider approval and auditing of licensee's continuing education renewal requirements. Additional amendments specify that courses in dependency issues, cultural competency, dental terminology in a foreign language, and management of special needs patients may be used to fulfill a licensee's renewal requirements. This will encourage licensees to take such courses and provide better patient care to California's diverse population.

#### Underlying Data

1. Minutes of the February 8, 2007 Continuing Education Committee meeting

## 2. Minutes of the February 9, 2007 Dental Board meeting

### Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

These regulations will allow continuing education credits to be granted to licensees for taking courses that are not currently not specifically allowed, although these courses involve actual delivery of dental services and communication and cultural competency with California's ethnically diverse population. The regulations also clarify the requirements of the written certification that course providers must submit to the board, and set board policy into regulation.

### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

#### 1) Do not seek a regulatory change.

Rejected: Clarification is necessary to allow licensees to obtain credits toward renewal for courses that are currently not clearly identified within Category I or Category II courses. Also, it has been board policy to grant units to licensees who assist the board and the Committee on Dental Auxiliaries in carrying out their functions, and this policy must be put into regulation.